

MARY L. LOGSDON
Claimant

DEXTER UNIFIED SCHOOL DISTRICT 471
Respondent

EMPLOYERS MUTUAL CASUALTY
Insurance Carrier

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ORDER

ISSUES

FINDINGS OF FACT

(1) Claimant injured her back while working for the respondent between August 27 and September 29, 1997. Claimant's job as a school librarian required her to repetitively bend and lift books and other objects.

(2) Claimant's symptoms began on August 27, 1997, while she was bending over to lift a stack of books from the floor. As claimant continued to work and perform her regular job duties after August 27, her symptoms progressively worsened.

(3) On September 29, 1997, claimant notified her school principal of her back injury. On that date claimant also left work due to the back injury.

(4) Claimant sustained repetitive microtraumas to her back through September 29, 1997. That conclusion is based upon the office records of claimant's treating physician, Lynda B. DeArmond, M.D.

CONCLUSIONS OF LAW

Because the work activity which caused the microtraumas to claimant's back continued through September 29, 1997, that date is the most appropriate date of accident for the period of injury in question.

K.S.A. 44-520 requires an injured worker to provide the employer with notice of an accidental injury within ten days of its occurrence. Because notice was given on September 29, 1997, notice was timely.

The Administrative Law Judge's preliminary hearing Order and Order Nunc Pro Tunc should be affirmed.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the preliminary hearing Order dated December 18, 1997, and Order Nunc Pro Tunc dated January 8, 1998, both entered by Administrative Law Judge John D. Clark should be, and hereby are, affirmed.

IT IS SO ORDERED.

Dated this ____ day of March 1998.

BOARD MEMBER

c: David H. Farris, Wichita, KS
P. Kelly Donley, Wichita, KS
John D. Clark, Administrative Law Judge
Philip S. Harness, Director